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REMARKS

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-48 are pending.

Amendments to the Claims

Claims 1-48 have been examined with no claims being allowed. Applicants have amended Claims 1, 16, and 35 to include the limitations of Claims 7, 26, and 41, respectively. Therefore, Applicants respectfully request cancellation of Claims 7, 26, and 41. Applicants have further amended Claims 1, 16, and 35 to include the limitations of the absorbent material being "fibrous," and the binder material mixed throughout the absorbent material such that the fibers are stabilized by the binder material. Support for these limitations is provided throughout the specification, such as at page 13, line 16 – page 14, line 3, and at page 19, lines 1-3. No new matter has been added by this Amendment.

No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims has been reduced.

Claim Rejections - 35 U.S.C. §102 or 35 U.S.C. §103

The rejection of Claims 1, 3-6, 8, 10-11, 16, 19-21, 23, 24-25, 27, 29, and 30 under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Putzier (U.S. Patent No. 5,262,218) is respectfully traversed.

Putzier discloses an absorbent material that is decomposable under biological conditions. The absorbent material includes a wrapper of a formed-fabric-type material made of an organic polymer. The wrapper is wrapped around an absorbing body with a tissue layer between the absorbing body and the wrapper. A binder is applied to the wrapper to stabilize the wrapper.

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For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Putzier does not disclose each and every element or limitation of amended Claims 1 and 16.

Furthermore, to establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Putzier fails to provide any suggestion or motivation to modify the teachings therein to arrive at Applicants' claimed invention.

Applicants' invention as recited in Claims 1 and 16 requires an absorbent wrap that includes at least 5% binder material mixed throughout a fibrous absorbent material such that the absorbent fibers are stabilized by the binder material. Putzier fails to disclose or suggest a wrapper that includes at least 5% binder material. Putzier also fails to disclose or suggest a binder material mixed throughout a fibrous absorbent material such that the absorbent fibers are stabilized by the binder material. Instead, Putzier discloses a wrapper as one element and a binder material as a separate element that is applied to a *surface* of the wrapper to stabilize the wrapper along the wrapper edges or openings, rather than stabilizing the fibers *within* the wrapper.

A mixture of the binder material throughout the absorbent material, as in Applicants' invention, balances the absorbent properties and the mechanical integrity of a wrapper. In contrast, a wrapper having all of the binder material concentrated on one side or surface of the wrap, as in Putzier, would probably form a fairly strong binder network that would have good mechanical integrity, at least for the depth of the binder in the wrap, but such a concentrated binder configuration would likely lead to poor absorbency properties, particularly poor liquid intake. More particularly, the binder concentration of Putzier would likely create barrier properties on the surface of the wrap.

There is no suggestion or motivation in Putzier to mix the binder material throughout the wrapper because the sole purpose of the binder material in Putzier is to secure the wrapper around the absorbing body (3). Consequently, Putzier requires a very minor amount of binder material. Also, there is a separate tissue layer (2) within the absorbent material that serves the purpose of maintaining the absorbing

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body in place and distributing the liquid to be absorbed. Absent impermissible hindsight, it is unlikely that a person skilled in the art would consider mixing binder material throughout a fibrous absorbent material to form a wrapper, based upon the teachings of Putzier, in lieu of the wrapper, the tissue layer, and the binder material applied to a surface of the wrapper.

For at least the reasons presented above, Applicants respectfully submit that Claims 1 and 16 are not anticipated by Putzier. Because Claims 3-6, 8, and 10-11 depend from Claim 1, and Claims 19-21, 23, 24-25, 27, 29, and 30 depend from Claim 16, respectively, these claims are also not anticipated by Putzier. Thus, Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §103

A. Everett et al. in view of GB 1,231,648

The rejection of Claims 1-14 and 16-33 under 35 U.S.C. §103(a) as being unpatentable over Everett et al. (PCT Publication No. WO 99/17695) in view of Great Britain Patent No. 1,231,648 (hereinafter "GB '648") is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Everett et al. disclose a multi-layer absorbent article. A wrap sheet may be wrapped around one or more absorbent layers. The wrap sheet may be a layer of absorbent material, such as absorbent tissue. However, as pointed out by the Examiner, Everett et al. fail to disclose or suggest a wrap sheet that includes a binder material mixed throughout a fibrous absorbent material.

GB '648 discloses an absorbent layer of biodegradable fibers held together with a water-insoluble copolymer. The absorbent layer is stable to fluid bodily discharges, but degrades to release the fibers in more alkaline liquids. GB '648 discloses a single-layer absorbent material and fails to disclose or suggest any sort of wrap material.

GB '648 does not disclose tissues, per se. Instead, GB '648 discloses that non-irritating binders may be applied to biodegradable fibers which are incorporated into absorbent articles such as diapers in order to enhance the strength of the flushable absorbent articles. Thus, the material of GB '648 is intended for use as a

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flushable absorbent core. There is no suggestion in GB '648 to use the absorbent material in any capacity other than as an absorbent core.

The Examiner suggests that it would have been obvious to have employed a binder as taught by GB '648 with the wrapper of Everett et al. The Examiner further suggests that a motivation for combining the binder of GB '648 with the wrapper of Everett et al. is that the binder would enhance the strength of the tissue which is wrapped around the absorbent core of Everett et al.

Since GB '648 fails to disclose or suggest a tissue layer, GB '648 also fails to disclose or suggest strengthening a tissue layer or any other wrapper-type component. The reason that the absorbent material in GB '648 requires strengthening is that the absorbent material is primarily composed of biodegradable fibers that lack the strength of conventional fibers under wet conditions. There is no suggestion in Everett et al. to form a wrapper of biodegradable fibers. Consequently, there is no suggestion or motivation to strengthen the wrapper material of Everett et al., and thus, no suggestion or motivation to combine the teachings of Everett et al. and GB '648.

In order to establish a prima facie case of obviousness, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicants' disclosure. Because the binder material in GB '648 is specifically intended to strengthen biodegradable fibers, and because the wrapper material in Everett et al. does not include biodegradable fibers, there is no suggestion or motivation to apply the binder material of GB '648 to the wrapper material in Everett et al. Even if these references were combined, there is no reason that a person skilled in the art would consider using a binder material to reinforce the wrapper material of Everett et al. based on the teachings of GB '648.

For at least the reasons given above, Applicants respectfully submit that the teachings of Everett et al. in view of GB '648 fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

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B. Everett et al. in view of GB 1,231,648 and further in view of Rosch et al.

The rejection of Claims 15, 34, and 35-48 under 35 U.S.C. §103(a) as being unpatentable over Everett et al. in view of GB '648 as applied to Claims 1-14 and 16-33 above, and further in view of Rosch et al. (U.S. Patent No. 6,009,558), is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Rosch et al. disclose absorbent swimwear garments. The Examiner suggests that it would have been obvious to have incorporated an absorbent core as taught by Everett et al. into the swimwear of Rosch et al. However, as explained above, because the binder material in GB '648 is specifically intended to strengthen biodegradable fibers, and because the wrapper material in Everett et al. does not include biodegradable fibers, there is no suggestion or motivation to apply the binder material of GB '648 to the wrapper material in Everett et al. Thus, even if the absorbent core of Everett et al. were incorporated into the swimwear of Rosch et al., the absorbent core would lack binder material in the wrapper because there is no suggestion or motivation to apply the binder material of GB '649 to the wrapper material in Everett et al.

For at least the reasons given above, Applicants respectfully submit that the teachings of Everett et al. in view of GB '648 and further in view of Rosch et al. fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

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Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



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